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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,738	10/08/2003	Eero Sillasto	60091.00244	8146
32294	7590	01/29/2009		
SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212			EXAMINER OVEISSI, DAVID M	
			ART UNIT	PAPER NUMBER
			2416	
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			01/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/681,738

Applicant(s)

SILLASTO ET AL.

Examiner

DAVID OVEISSI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22, 30-40, 42, 49 and 50 is/are rejected.
- 7) ☒ Claim(s) 23-29, 41, and 43-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-16 are rejected.

Claim Objection

1. Claim 17 is objected the recited phrase “user equipment” should have been “a user equipment”. If it is true, correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent for the recited limitation “the radio access network” in claim 17 line 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-22, 30-40, 42, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guo et al. (US 2003/0039246 A1) in view of Gage et al. (US 6,515,972 B1).

For claim 17 , 30-33, 38, and 49-50 Guo teaches a method/system/network element/computer program medium for optimizing resources in a radio telecommunication system (see Fig.1 and paragraph 57 “optimal utilization of transport network resources”), the method comprising:

receiving transport network information, the transport network connecting network elements of the radio access network to each other and the radio access network to a core network of the radio telecommunication system (see abstract “interconnecting”, Fig. 10 “1000”, paragraph 6 BS are connected to RNCs”, paragraph “a connection between a BS and RNC based on traffic classes”, 13 Fig. 1 “TRANSPORT NETWORK 104; “RNC”; & “CORE NETWORK”, paragraph 26 “transport information”, and Fig. 6 “Transport Network Layer”, 33 “maintaining state information about individual flows on each segment of the path”, and 35 “receiving node needs the transport information”);

routing a telecommunications connection of user equipment via a serving network element to the core network through the transport network (see Fig. 1 “router BS, RNC, & “Core Network”); and

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adjusting the telecommunications connection between the serving network element and the user equipment on the basis of the received transport network information (see paragraph 42 the BW of LSP (connection) can be adjusted in response to the traffic and QoS requirements of an BS”, paragraph 45 “adjusting the attributes of LSP for different classes such as BW”). Guo does not explicitly teach user equipment connection to serving network element. However, Gage from the same field of endeavor teaches this limitation (see abstract “a radio link adaptor between RAN and MS, the information flow is constantly monitored to determine an information element (IE) for allocating RLA optimizes the information flow over the communication link” and column 4 lines 26-43 “dynamically allocate (adjust the selected RAN RLA component to the RAN connection”). Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to incorporate the teachings of Gage in the radio access network of the Guo. This combination is possible with modifying the transport information payload of Guo to include the IE of the Gage. The motivation for this combination is to provide an optimal utilization of the network resources.

For claims 18, 37, 40 Guo teaches a method/system/network element, wherein the received transport network information comprises at least one of transport network traffic information, transport network load information, and transport network topology information (see paragraph 36 “transport network topology requires different IP-based transport services”).

For claims 19 and 42, Guo teaches a method/network element, further comprising adjusting a soft handover of the telecommunications connection between the serving network element and the user equipment on the basis of the transport network information (see paragraph 28 “radio control function such as soft handover can be adjusted based on QoS”).

For claim 20 Guo teaches a method, wherein the routing is performed by a serving network element of the radio access network serving the user equipment (see Fig. 1 Transport Network routers”).

For claims 21 and 36 Guo teaches a method/system, wherein the serving network element is a serving base station or a serving radio network controller (see Fig. 1 “RNC & BS”).

For claim 22 Guo does not teach a method, wherein the telecommunications connection comprises a radio connection between the user equipment and the serving network element. However, Gage from the same field of endeavor teaches this limitation (see abstract “a radio link adaptor between RAN and MS, the information flow is constantly monitored to determine an information element (IE) for allocating RLA optimizes the information flow over the communication link” and column 4 lines 26-43 “dynamically allocate (adjust the selected RAN RLA component to the RAN

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connection”). Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to incorporate the teachings of Gage in the radio access network of the Guo. This combination is possible with modifying the transport information payload of Guo to include the IE of the Gage. The motivation for this combination is to provide an optimal utilization of the network resources.

For claims 34 and 39 Guo teaches a system/network element, wherein the radio telecommunication system further comprises a radio controller configured to receive load information related to a cell covered by the radio access network and to manage radio resources between the serving network element of the radio access network and the user equipment on the basis of the received load information (paragraph 57 “overload and load distribution information are used to use optimally transport network resources”).

For claim 35 Guo teaches a system, wherein the serving network element serving the user equipment is configured to route the telecommunications connection of the user equipment via the serving network element to the core network (see Fig. 1 “routers” and paragraph 57 “bandwidth allocation and constrained-based routing”)

Allowable Subject Matter

4. Claims 23-29, 41, and 43-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bell (6,052,380) and Noguera-Rodriguez et al. (US 6,687,249 B1), and Van Lieshout et al. (US 2001/0036823 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OVEISSI whose telephone number is (571)270-3127. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art
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